



Administrative Policies and Procedures: 12.5

Subject: Passes for Youth Adjudicated Delinquent

Supersedes: DCS 12.5, 01/01/04

Local Policy: No

Local Procedures: No

Requires Training: No

Applicable Practice Model Standard(s): Yes

Approved by:

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Application

To All Department of Children's Services Employees and Contract Agency Employees

Authority: TCA 37-5-106

Policy

Youth who have been committed to the Department on an adjudication of delinquency must meet criteria established by each program to be eligible for passes. Passes shall be considered in the development of each youth's individual treatment plan. Objectives or tasks to be completed while a youth is on pass shall be monitored.

Procedures

A. DCS group homes and contract agencies

1. When family reunification has been identified as a goal, delinquent youths participating in community-based residential programs, foster care, independent living programs, etc., must have the opportunity to practice new skills in their home environment.
2. Treatment teams consisting of staff from the DCS group homes/contract agency and the youth's home county case manager (HCCM) must determine when passes are appropriate and the duration of such passes.
3. For youth committed to the department as a result of delinquent behavior, the committing court must be consulted and approval obtained prior to any proposed pass.

4. Youth who remain in assessment placements for periods of time in excess of fifteen (15) working days may be considered for passes if their behavior has been appropriate.
5. Youth who have been granted passes may retain their pass eligibility if transferred to a new placement.

B. Delinquent youth with determinate commitment sentences

1. Youth residing in community-based residential programs who received a determinate commitment shall have completed at least one-half (1/2) or one hundred twenty (120) days (which ever is less) of his/her commitment before being considered for passes.
2. The committing court and the district attorney's office shall be consulted prior to any passes. A determinately committed youth shall not be allowed a pass without the consent of the committing court.

C. Passes for youth in Youth Development Centers

1. In order to be eligible for a pass, youth placed in a YDC should be in pre-release status and within forty-five (45) days of release.
2. Youth in YDC's with the following committing offenses, will not be considered for passes unless ordered by the committing court:
 - a) First degree murder
 - b) Conspiracy to commit murder
 - c) Second degree murder
 - d) Aggravated kidnapping
 - e) Especially aggravated robbery
 - f) Aggravated rape
 - g) Aggravated arson
 - h) Solicitation for first degree murder
 - i) Aggravated robbery
 - j) Rape

- k) Aggravated sexual battery
- l) Aggravated child abuse
- m) Kidnapping
- n) The attempt to commit any of the above offenses

D. Coordination of pass requests

1. Requests for passes will be made at least ten (10) working days prior to the proposed pass.
 - a) For youth in DCS group homes or YDCs, the assigned facility case manager will provide the HCCM with information pertinent to the pass request.
 - b) For youth residing in contract agency programs, the HCCM shall secure pertinent information from agency staff. The information to be provided includes:
 - ◆ A brief current progress report and case notes documenting progress;
 - ◆ Beginning date and duration of the proposed pass;
 - ◆ Where the youth will be while on pass (address, telephone number); and
 - ◆ Any special conditions of the proposed pass, and any tasks that are to be undertaken while on pass.
2. If the youth has been committed as a delinquent child, the HCCM will present the pass request to the committing judge through the court liaison. Once the court has either approved or denied the pass request, the assigned Case Manager at the YDC, group home or contract agency shall be notified of the court's decision.
3. Each pass must be approved in such a manner unless the committing court has made a provision for "blanket" pass approval for a youth. If the committing court declines to take action on a pass request and indicated that the court will neither approve nor disapprove the pass, the youth's treatment team may take action and approve the requested pass. It is the treatment team's responsibility to assure continuing contact between the child and his/her family.

4. Monitoring and follow-up on passes is the joint responsibility of Group Home Case Managers, YDC Case Managers, and the HCCM.
5. The child's/youth's behavior as well as other significant issues concerning parent activities, completion of specific treatment related tasks, etc., shall be discussed with the child/youth and parents. Any significant information related to the pass shall be documented in TN Kids case recordings and shared as needed.
6. Children/youth will be allowed passes in the temporary physical custody of their parents, guardians and other approved relatives, approved prospective adoptive parents or approved foster parents.
7. All persons accepting temporary physical custody of a child/youth must be properly identified. Persons accepting temporary custody of a youth from a DCS facility shall be advised in writing of their responsibility and must sign form *CS-0058 Temporary Custody Agreement*.

E. Types of passes covered by this policy

1. *Day Pass*

An authorized visit of no more than 8 hours with an approved resource. The child/youth is not required to remain at the facility but may not leave beyond a fifty-mile radius from the facility/program location. A day pass may be for emergency situations, as well as for routine visitation.

2. *Day Pass to Home*

An authorized home visit that does not exceed twelve (12) hours. Approved resource and child/youth may leave the county in which the facility/program is located. A day pass to home may be granted for emergency situations, as well as for routine visitation.

3. *Over Night Pass*

An authorized visit that does not exceed forty-eight (48) hours to the home of the parent, guardian, visiting resource, etc. An over night pass may be granted for emergency situations, as well as for routine visitation.

4. *Extended Over Night Pass*

An authorized visit that may exceed forty-eight (48) hours to the home of the parent, guardian, visiting resource, etc. Examples of this type of pass would be extended holiday visits and bereavement passes. An extended overnight pass may be authorized for emergency situations, as well as for routine visitation.

5. *Medical Pass*

A pass authorized by the health services coordinator for the purpose of obtaining medical treatment or evaluation of such duration as is medically appropriate.

6. *Out of State Passes*

Out of state passes shall be allowed as approved in permanency plans or adoption assistance plans. Out of state passes for children in the department's custody as a result of a delinquency finding shall require an Interstate Compact on Juveniles (ICJ) Travel Permit and approval of the Commissioner/designee. The child's HCCM shall complete in its entirety and forward an ICJ Travel Permit to the Deputy Compact Administrator, who will notify the receiving state. Information on the ICJ Travel Permit shall include:

- a) Name, address and phone number of the party accompanying the youth;
- b) Date and time of departure;
- c) Mode of transportation (if by automobile, include make, model and tag number);
- d) Date and time youth is to return;
- e) Reason(s) for the necessity of the pass; and
- f) Mode of transportation (if by automobile, include make, model and tag number),

F. *Exceptions*

The Commissioner/designee must approve in writing any exception to this policy.

Forms

CS-0058 Temporary Custody Agreement

Collateral Documents*None***Standards**

ACA 3-JTS-5I-06

ACA 3-JCRF-5H-04

DCS Practice Model Standard- 5-500

DCS Practice Model Standard- 8-306

Glossary

<i>Term</i>	<i>Definition</i>
<i>Pass:</i>	Any authorized absence by a delinquent youth from his/her placement without staff supervision.
<i>Travel Permit:</i>	The travel permit, depending on whether the form is utilized by the sending state as a provisional or temporary travel form, is executed when a child on aftercare or probation is traveling to an established residence in a member state prior to formal acceptance or is just visiting a member state.
<i>Visitation:</i>	Regular contact between a child/youth and his/her parents as mandated and defined by federal foster care legislation. Any dependent/neglected, unruly or delinquent child/youth placed in foster care must be granted an opportunity for a minimum of four (4) hours visitation each month, which may be supervised or unsupervised. Please note, however, that any visitation by delinquent youth that involves a return to the home community for a period of time and is unsupervised by program staff, the consent of the committing court is required unless the court has declined or failed to exercise the authority granted in <i>TCA §37-5-106 (4)</i> .